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OFFICE OF PETITIONS

In re	: DECISION ON APPLICATION
Solco Walle Schalm	: FOR PATENT TERM ADJUSTMENT
Application No. 09/689,637	: AND
Filed: October 13, 2000	: NOTICE OF INTENT TO ISSUE
Patent No. 6,905,677	: CERTIFICATE OF CORRECTION
Issued: June 14, 2005	

This is a decision on the "APPLICATION FOR PATENT TERM ADJUSTMENT-POST GRANT," filed July 15, 2005, requesting correction of the patent term adjustment (PTA) indicated on the patent.

The petition is **GRANTED**.

The patent term adjustment indicated on the patent is to be corrected by issuance of a certificate of correction showing a revised Patent Term Adjustment of **eight hundred seventy-five (875) days**.

On June 14, 2005, the above-identified application matured into U.S. Patent No. 6,905,677. The patent issued with a Patent Term Adjustment of seven hundred fifty-five (755) days. Patentee points out that he was improperly assessed applicant delay of one hundred twenty (120) days for previously filing an application for patent term adjustment on June 22, 2004.

Patentee states that the patent is not subject to a terminal disclaimer.

The Office determined a patent term adjustment of seven hundred fifty-five (755) days based on an adjustment for PTO delay of seven hundred one (701) days pursuant to 35 U.S.C. 154(b)(1)(A)(ii) and 37 C.F.R. § 1.703(a)(2) and two hundred thirty-five (235) days pursuant to 35 U.S.C. 154(b)(1)(A)(iv) and 37 C.F.R. § 1.703(a)(6), reduced by Applicant's delay of sixty-one (61) days pursuant to 35 U.S.C. 154(b)(2)(C)(ii) and 37 C.F.R. § 1.704(b), and one hundred twenty (120) days pursuant to 35 U.S.C. 154(b)(2)(C)(i) and 37 C.F.R. § 1.704(c)(10). The adjustment of 120 days is at issue.

Pursuant to 37 C.F.R. § 1.704(e), the submission of an application for patent term adjustment will not be considered a failure to engage in reasonable efforts to conclude prosecution of the application.

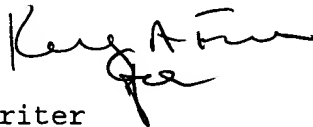
In view thereof, the correct determination of patent term adjustment at the time of issuance is **eight hundred seventy-five (875) days** (936 (701+235) days of PTO delay and 61 days of applicant delay).

Accordingly, issuance of a certificate of correction pursuant to 35 U.S.C. 254 and 37 C.F.R. § 1.322 is appropriate.

Receipt of the \$200 fee set forth in 37 C.F.R. § 1.18(e) is acknowledged.

The application file is being forwarded to the Certificates of Correction Branch for issuance of a certificate of correction in order to rectify the error regarding the patent term information. See 35 U.S.C. § 254 and 37 C.F.R. § 1.322. The certificate of correction will indicate that the term of the above-identified patent is extended or adjusted by **eight hundred seventy-five (875) days** subject to any disclaimers.

Telephone inquiries specific to this matter should be directed to Cliff Congo, Petitions Attorney, at (571)272-3207.



Karin Ferriter
Senior Legal Advisor
Office of Patent Legal Administration
Office of Deputy Commissioner
for Patent Examination Policy

Enclosure: copy of draft Certificate of Correction